

HOUSE BILL No. 6489

September 18, 2008, Introduced by Reps. Byrnes, Warren, Constan, Valentine, Bauer, Byrum and Young and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503, 11514, and 11539 (MCL 324.11503, 324.11514, and 324.11539), sections 11503 and 11514 as amended by 2007 PA 212.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11503. (1) "Department" means the department of
2 environmental quality.

3 (2) "Director" means the director of the department.

4 (3) "Discharge" includes, but is not limited to, any spilling,
5 leaking, pumping, pouring, emitting, emptying, discharging,
6 injecting, escaping, leaching, dumping, or disposing of a substance
7 into the environment ~~which~~**THAT** is or may become injurious to the

1 public health, safety, or welfare, or to the environment.

2 (4) "Disposal area" means 1 or more of the following at a
3 location as defined by the boundary identified in its construction
4 permit or engineering plans approved by the department:

5 (a) A solid waste transfer facility.

6 (b) ~~Incinerator~~ **AN INCINERATOR**.

7 (c) ~~Sanitary~~ **A SANITARY** landfill.

8 (d) ~~Processing~~ **A PROCESSING** plant.

9 (e) ~~Other~~ **ANOTHER** solid waste handling or disposal facility
10 utilized in the disposal of solid waste.

11 (5) "Enforceable mechanism" means a legal method whereby the
12 state, a county, a municipality, or a person is authorized to take
13 action to guarantee compliance with an approved county solid waste
14 management plan. Enforceable mechanisms include contracts,
15 intergovernmental agreements, laws, ordinances, rules, and
16 regulations.

17 (6) "Escrow account" means an account managed by a bank or
18 other financial institution whose account operations are regulated
19 and examined by a federal or state agency and ~~which~~ **THAT** complies
20 with section 11523b.

21 (7) "Financial assurance" means the mechanisms used to
22 demonstrate that the funds necessary to meet the cost of closure,
23 postclosure maintenance and monitoring, and corrective action will
24 be available whenever they are needed.

25 (8) "Financial test" means a corporate or local government
26 financial test or guarantee approved for type II landfills under
27 ~~subtitle D of the solid waste disposal act, title II of Public Law~~

1 ~~89-272, 42 U.S.C. 6941 and 6942 to 6949a~~ **40 CFR PART 258**. An owner
2 or operator may use a single financial test for more than 1
3 facility. Information submitted to the department to document
4 compliance with the test shall include a list showing the name and
5 address of each facility and the amount of funds assured by the
6 test for each facility. For purposes of the financial test, the
7 owner or operator shall aggregate the sum of the closure,
8 postclosure, and corrective action costs it seeks to assure with
9 any other environmental obligations assured by a financial test
10 under state or federal law.

11 (9) "Food processing residuals" means any of the following:

12 (a) Residuals of fruits, vegetables, aquatic plants, or field
13 crops.

14 (b) Otherwise unusable parts of fruits, vegetables, aquatic
15 plants, or field crops from the processing thereof.

16 (c) Otherwise unusable food products ~~which~~ **THAT** do not meet
17 size, quality, or other product specifications and ~~which~~ **THAT** were
18 intended for human or animal consumption.

19 (10) "Garbage" means rejected food wastes including waste
20 accumulation of animal, fruit, or vegetable matter used or intended
21 for food or that attends the preparation, use, cooking, dealing in,
22 or storing of meat, fish, fowl, fruit, or vegetable matter.

23 **(11) "LABELED MERCURY-ADDED PRODUCT" MEANS A MERCURY-ADDED**
24 **PRODUCT LABELED AS PROVIDED IN SECTION 17208.**

25 **(12) "MERCURY-ADDED PRODUCT" MEANS THAT TERM AS DEFINED IN**
26 **SECTION 17201.**

27 **(13) ~~(11)~~"Scrap wood" means wood or wood product that is 1 or**

1 more of the following:

2 (a) Plywood, pressed board, oriented strand board, or any
3 other wood or wood product mixed with glue or filler.

4 (b) Wood or wood product treated with creosote or
5 pentachlorophenol.

6 (c) Any other wood or wood product designated as scrap wood in
7 rules promulgated by the department.

8 (14) ~~(12)~~—"Treated wood" means wood or wood product that has
9 been treated with 1 or more of the following:

10 (a) Chromated copper arsenate (CCA).

11 (b) Ammoniacal copper quat (ACQ).

12 (c) Ammoniacal copper zinc arsenate (ACZA).

13 (d) Any other chemical designated in rules promulgated by the
14 department.

15 (15) ~~(13)~~—"Wood" means trees, branches, bark, lumber, pallets,
16 wood chips, sawdust, or other wood or wood product but does not
17 include scrap wood, treated wood, painted wood or painted wood
18 product, or any wood or wood product that has been contaminated
19 during manufacture or use.

20 Sec. 11514. (1) Optimizing recycling opportunities and the
21 reuse of materials shall be a principal objective of ~~the~~**THIS**
22 state's solid waste management plan. Recycling and reuse of
23 materials are in the best interest of promoting the public health
24 and welfare. The state shall develop policies and practices that
25 promote recycling and reuse of materials and, to the extent
26 practical, minimize the use of landfilling as a method for disposal
27 of its waste.

1 (2) A person shall not knowingly deliver to a landfill for
2 disposal, or, if the person is an owner or operator of a landfill,
3 knowingly permit disposal in the landfill of, any of the following:

4 (a) Medical waste, unless that medical waste has been
5 decontaminated or is not required to be decontaminated but is
6 packaged in the manner required under part 138 of the public health
7 code, 1978 PA 368, MCL 333.13801 to 333.13831.

8 (b) More than a de minimis amount of open, empty, or otherwise
9 used beverage containers.

10 (c) More than a de minimis number of whole motor vehicle
11 tires.

12 (d) More than a de minimis amount of yard clippings, unless
13 they are diseased, infested, or composed of invasive species as
14 authorized by section 11521(1)(i).

15 **(E) BEGINNING JANUARY 1, 2010, A MERCURY-ADDED PRODUCT.**

16 (3) A person shall not deliver to a landfill for disposal, or,
17 if the person is an owner or operator of a landfill, permit
18 disposal in the landfill of, any of the following:

19 (a) Used oil as defined in section 16701.

20 (b) A lead acid battery as defined in section 17101.

21 (c) Low-level radioactive waste as defined in section 2 of the
22 low-level radioactive waste authority act, 1987 PA 204, MCL
23 333.26202.

24 (d) Regulated hazardous waste as defined in R 299.4104 of the
25 Michigan administrative code.

26 (e) Bulk or noncontainerized liquid waste or waste that
27 contains free liquids, unless the waste is 1 of the following:

1 (i) Household waste other than septage waste.

2 (ii) Leachate or gas condensate that is approved for
3 recirculation.

4 (iii) Septage waste or other liquids approved for beneficial
5 addition under section 11511b.

6 (f) Sewage.

7 (g) PCBs as defined in 40 CFR 761.3.

8 (h) Asbestos waste, unless the landfill complies with 40 CFR
9 61.154.

10 (I) BEGINNING JANUARY 1, 2010, MERCURY OR A MERCURY COMPOUND.
11 THIS SUBDIVISION DOES NOT APPLY TO MERCURY OR A MERCURY COMPOUND IN
12 A MERCURY-ADDED PRODUCT THAT IS NOT A LABELED MERCURY-ADDED
13 PRODUCT.

14 (4) A person shall not knowingly deliver to a municipal solid
15 waste incinerator for disposal, or, if the person is an owner or
16 operator of a municipal solid waste incinerator, knowingly permit
17 disposal in the incinerator of, more than a de minimis amount of
18 yard clippings, unless they are diseased, infested, or composed of
19 invasive species as authorized by section 11521(1)(i). The
20 department shall post, and a solid waste hauler that disposes of
21 solid waste in a municipal solid waste incinerator shall provide
22 its customers with, notice of the prohibitions of this subsection
23 in the same manner as provided in section 11527a.

24 (5) BEGINNING JANUARY 1, 2010, A PERSON SHALL NOT DELIVER TO
25 AN INCINERATOR FOR DISPOSAL, OR, IF THE PERSON IS AN OWNER OR
26 OPERATOR OF AN INCINERATOR, PERMIT DISPOSAL AT THE INCINERATOR OF,
27 A LABELED MERCURY-ADDED PRODUCT.

1 (6) ~~(5)~~—If the department determines that a safe, sanitary,
2 and feasible alternative does not exist for the disposal in a
3 landfill or municipal solid waste incinerator of any items
4 described in subsection (2) or (4), respectively, the department
5 shall submit a report setting forth that determination and the
6 basis for the determination to the standing committees of the
7 senate and house of representatives with primary responsibility for
8 solid waste issues.

9 Sec. 11539. (1) The director shall not approve a plan update
10 unless:

11 (a) The plan contains an analysis or evaluation of the best
12 available information applicable to the plan area in regard to
13 recyclable materials and all of the following:

14 (i) The kind and volume of material in the plan area's waste
15 stream that may be recycled or composted.

16 (ii) How various factors do or may affect a recycling and
17 composting program in the plan area. Factors shall include an
18 evaluation of the existing solid waste collection system; materials
19 market; transportation networks; local composting and recycling
20 support groups; ~~, or both,~~ institutional arrangements; the
21 population in the plan area; and other pertinent factors.

22 (iii) An identification of impediments to implementing a
23 recycling and composting program and recommended strategies for
24 removing or minimizing impediments.

25 (iv) How recycling and composting and other processing or
26 disposal methods could complement each other and an examination of
27 the feasibility of excluding site separated material and source

1 separated material from other processing or disposal methods.

2 (v) Identification and quantification of environmental,
3 economic, and other benefits that could result from the
4 implementation of a recycling and composting program.

5 (vi) The feasibility of source separation of materials that
6 contain potentially hazardous components at disposal areas. ~~This~~
7 ~~subparagraph applies only to plan updates that are due after~~
8 ~~January 31, 1989.~~

9 (b) The plan ~~either~~ provides for recycling and composting
10 recyclable materials from the plan area's waste stream. ~~or THIS~~
11 **SUBDIVISION DOES NOT APPLY TO RECYCLING OR COMPOSTING IF THE PLAN**
12 establishes that recycling ~~and OR~~ composting, ~~are~~ **RESPECTIVELY, IS**
13 not necessary or feasible or is only necessary or feasible to a
14 limited extent.

15 (c) A plan that proposes a recycling **PROGRAM** or composting
16 program, or both, details the major features of that program,
17 including all of the following:

18 (i) The kinds and volumes of recyclable materials that will be
19 recycled or composted.

20 (ii) Collection methods.

21 (iii) Measures that will ensure collection, such as ordinances
22 or cooperative arrangements, or both.

23 (iv) Ordinances or regulations affecting the program.

24 (v) The role of counties and municipalities in implementing
25 the plan.

26 (vi) The involvement of existing recycling interests, solid
27 waste haulers, and the community.

- 1 (vii) Anticipated costs.
2 (viii) ~~On-going~~ **ONGOING** program financing.
3 (ix) Equipment selection.
4 (x) Public and private sector involvement.
5 (xi) Site availability and selection.
6 (xii) Operating parameters, such as pH and heat range.
7 ~~(d) The plan includes an evaluation of how the planning entity~~
8 ~~is meeting the state's waste reduction and recycling goals as~~
9 ~~established pursuant to section 11541(4).~~

10 **(D) FOR A PLAN AMENDED OR UPDATED AFTER THE EFFECTIVE DATE OF**
11 **THE 2008 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, THE PLAN**
12 **PROVIDES FOR THE COLLECTION AND THE PROPER MANAGEMENT OR DISPOSAL**
13 **OF MERCURY-ADDED PRODUCTS.**

14 (2) The director may promulgate rules as may be necessary to
15 implement this section.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. ____ or House Bill No. 6485 (request no.
18 04676'07 *) of the 94th Legislature is enacted into law.